

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GUY T. MITCHELL and ROYAL PALM SENIOR:
INVESTOR, LLC,

Plaintiffs,

- against -

CARBON CAPITAL II, INC.,

Defendant.
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Index No. 08 Civ. 4319 (JES)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Nicholas P. Crowell, dated July 18, 2008, and the exhibits attached thereto, the accompanying memorandum of law in support of this motion, any other submissions that shall be made in support of this motion, and all prior proceedings had herein, the undersigned, on behalf of Defendant Carbon Capital II, Inc., will move this Court, before the Honorable John E. Sprizzo, at the United States Courthouse, 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, to dismiss all claims set forth in Royal Palm Senior Investors, LLC's Notice of Appearance, Response to Pleadings, and Claims, in their entirety and with prejudice, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Dated: New York, New York
July 18, 2008

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By: 

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